

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Kavin Lee Peeples,

Petitioner,

v.

Case No. 1:20cv299

Donald Trump,

Judge Michael R. Barrett

Respondent.

ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) filed by the Magistrate Judge on April 24, 2020 (Doc. 3).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the R&R in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's R&R (Doc. 3) have been filed.

Accordingly, it is **ORDERED** that the R&R (Doc. 3) of the Magistrate Judge is hereby **ADOPTED**. Consistent with the recommendation by the Magistrate Judge, the Petition for Writ of Mandamus Compelling Presidential Action (Doc. 2) is **DISMISSED without prejudice** because the Petitioner has failed to meet his burden of showing that any extraordinary remedies are warranted in this case.

A certificate of appealability will not issue because petitioner has not stated a “viable claim of the denial of a constitutional right,” nor are the issues presented “adequate to deserve encouragement to proceed further.” *See Slack v. McDaniel*, 529

U.S. 473, 475 (2000) (citing *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (1983)); see also 28 U.S.C. § 2253(c), Fed. R. App. P. 22(b). The Court further certifies, pursuant to 28 U.S.C. § 1915(a)(3), that for the reasons expressed in the Magistrate Judge's R&R (Doc. 3), an appeal of this Order would not be taken in good faith. See Fed. R. App. P. 24(a); *Kinkade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997).

IT IS SO ORDERED.

/s/ Michael R. Barrett

Michael R. Barrett, Judge
United States District Court